

# Plains Grange makes public stance on water compact

Justyna Tomtas/Valley Press | Posted: Wednesday, March 13, 2013 1:53 pm

PLAINS – The Plains Grange #101 held their monthly meeting on Tuesday, March 5 and discussed their stance on the Reserved Water Rights Compact Commission.

As a Grange, they made a public statement that the Montana State Legislature should not support the proposed water compact. Instead, the Grange recommended the commission to be extended for two years in order to produce a compact “that can be fully vetted and will be more in line with current state water right policy.”

The Commission, which was set in place to oversee equal allotment and distribution of waters within the state of Montana between the state, Montana’s citizens and several Indian Tribes, will impact water users on and off the Flathead Reservation and has implications for surface water in 11 western Montana counties.

Grange Master Fred Cavill stated the Kootenai/Salish Tribe is the only reservation that does not have a signed water compact.

The compact deals with two treaties, the Hellgate and Stevens treaties.

According to Dale Neiman, who presented the information to the Grange, the Hellgate Treaty deals with water on the reservation, while the Stevens Treaty deals with water that flows through the reservation.

Neiman stated under the two treaties, the tribe has a bonafide right to water just like anyone else. And there is no question about the validity of the treaties. The question lies in how much water is going to be quantified to the tribes.

“Once they determine what their in stream flow needs are, then what’s left over will be for the irrigators,” Neiman explained.

The allocation of water caused some concern among the Grange members.

“I have just as much rights to that water right as the tribe,” said Cavill explaining he had a water right in Swamp Creek. “What bothers me when I read (the compact) is the tribe is going to be able to tell someone how much water they have versus what their water right says.”

Neiman expressed the same concern stating that the creek he currently irrigates out of is already over allocated by irrigators.

“The problem is there are three irrigators on (the creek) and in the spring everyone pumps plenty of water and towards the first of June, the water is gone,” said Neiman. “So if they would say you have to

maintain a certain flow from spring to fall, we wouldn't even be able to irrigate in the spring."

During the meeting, members discussed the effect this water compact would have on their individual water rights.

Neiman explained that there would be a new system put in place to administer water privileges.

"Instead of a water right, you'll be issued a permit. They say (a water permit) is just as good as a water right but it isn't the same as a water right," Neiman said. "It isn't the same as what people have in Missoula County or Mineral County or anyplace else. So I guess no one has a lot of confidence that a (water permit) will have the same value."

According to Cavill and Neiman, District Judge C.B. McNeil of Polson, stated earlier this month that compact negotiations would not be able to sign away private water rights without fair compensation.

The Grange voted to send their now public stance on extending the compact for another two years to all other subordinate Granges in the state, with 14 of them in all.

"They can choose to go whichever way they want but they will know where we stand," said Cavill.